



United Nations

Nations Unies

**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

*This Report is protected under paragraph 18 of
ST/SGB/273 of 7 September 1994*

**INVESTIGATION REPORT INTO MISUSE OF
INFORMATION AND COMMUNICATION
TECHNOLOGY RESOURCES BY A STAFF
MEMBER AT THE UNITED NATIONS
HEADQUARTERS**

ID Case No. 0176/08

13 November 2008

STRICTLY CONFIDENTIAL

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I. INTRODUCTION

1. On 7 May 2008 the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) obtained information indicating possible misconduct by Mr. Mario Antonio, a United Nations staff member of the Department of Management, at the United Nations Headquarters.
2. Specifically, the information suggested that Mr. Antonio distributed pornographic images to United Nations staff members, using his United Nations Lotus Notes e-mail account.
3. The ID/OIOS investigation focused on whether Mr. Antonio misused the United Nations information, communication and technology (ICT) resources to obtain, store and distribute pornography.
4. This report describes the outcome of the investigation.

II. APPLICABLE LEGAL NORMS

5. Staff Regulations of the United Nations

Regulation 1.2(b)

"Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;"

Regulation 1.2(q)

"Staff members shall use the property and assets of the Organization only for official purposes and shall exercise reasonable care when utilizing such property and assets."

6. ST/SGB/2004/15 - Use of information and communication technology resources and data

Section 1 – Definitions

(e) Personal use: use of ICT resources by an authorized user for other than official purposes and within the scope of his or her authorization

Section 2 Conditions applicable to use of ICT resources and ICT data

(a) Use of ICT resources and ICT data shall in all cases be in accordance with the provisions set out in this bulletin and such other administrative issuances as may apply to them;

(b) Authorized users shall promptly report to the appropriate United Nations authority any violation of the provisions of this bulletin of which they become aware.

Section 4 - Limited personal use

4.1 Authorized users shall be permitted limited personal use of ICT resources, provided such use:

Is consistent with the highest standard of conduct for international civil servants (among the uses which would clearly not meet this standard are use of ICT resources for purposes of obtaining or distributing pornography, engaging in gambling, or downloading audio or video files to which a staff member is not legally entitled to have access)

III. IMPLICATED STAFF MEMBERS

7. Mr. Antonio joined the Organization on 18 September 1987. He holds a fixed-term appointment at the G5/10 level, as a Building Services Assistant in the Department of Management at the United Nations Headquarters in New York.

IV. METHODOLOGY

8. The ID/OIOS investigation included, but was not limited to, the collection and analysis of documents and interviews with United Nations staff members. Pursuant to the provisions of ST/SGB/2004/15, ID/OIOS also examined the United Nations issued computer hard drive and Lotus Notes e-mail account of Mr. Antonio and several other United Nations staff members based in New York.¹

9. On 3 October 2008, ID/OIOS investigators interviewed Mr. Antonio and prepared a record of this interview. Mr. Antonio reviewed the typed record, and following minor adjustments, confirmed that it accurately reflected his responses to questions posed during the interview. However, when asked to sign the record, Mr. Antonio refused, stating that he would sign the record, subject to him receiving a copy thereof. ID/OIOS investigators explained that this decision remains with the Programme Manager.²

10. Before finalization of its report, ID/OIOS also invited Mr. Antonio to comment on the investigative details. These and Mr. Antonio's response are attached to this report.³

¹ Vladislav Guerassev memorandum to Eduardo Blinder (14 May 2008); Vladislav Guerassev memorandum to Chandramouli Ramanathan (10 July 2008). Evidence revealed further possible wrongdoing by other staff members, which will be addressed in separate investigation reports.

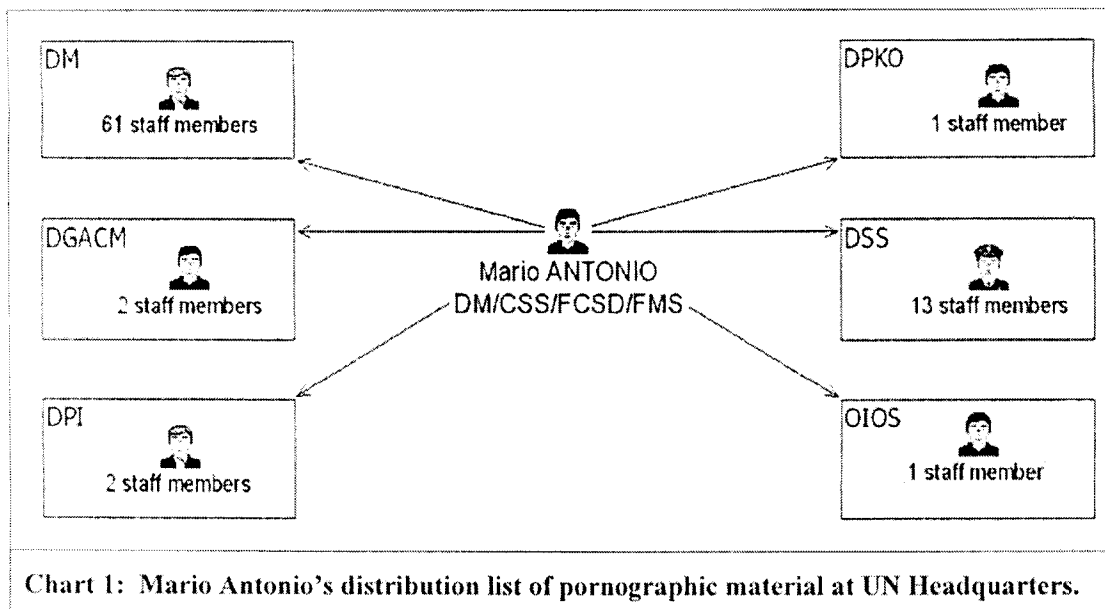
² Mario Antonio interview (3 October 2008), p. 12.

³ See Annex A and B.

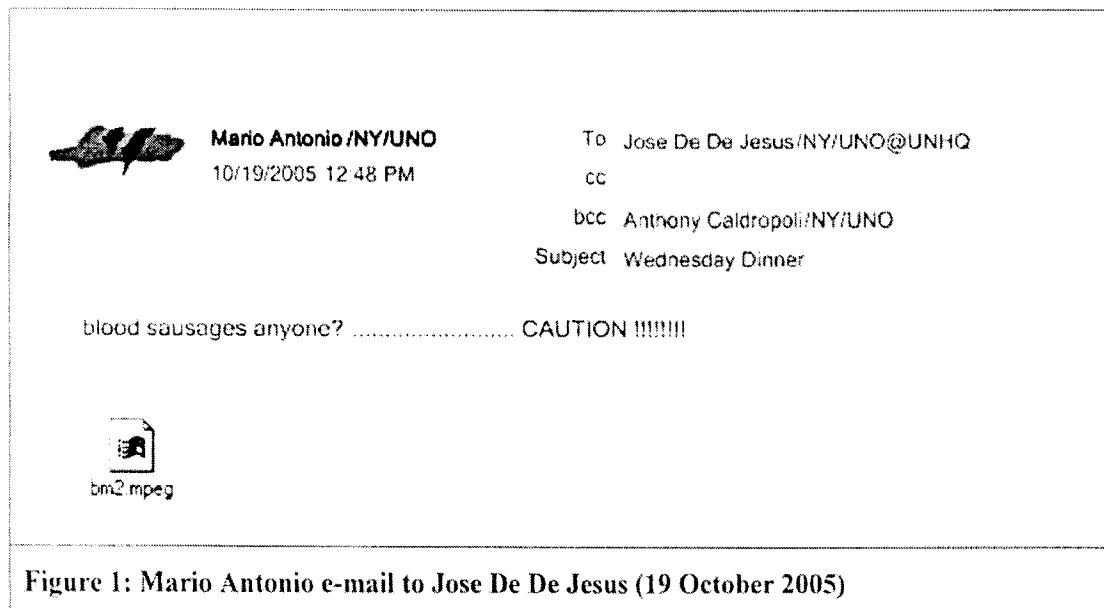
V. INVESTIGATIVE DETAILS

A. OBTAINING AND DISTRIBUTING PORNOGRAPHY

11. During the review of forensic evidence obtained from Mr. Antonio’s United Nations Lotus Notes e-mail account, ID/OIOS counted at least 80 occasions on which Mr. Antonio sent inappropriate material, including pornographic or sexual in content to United Nations staff members. ID/OIOS compiled the chart below to demonstrate the extent of Mr. Antonio’s activities:



12. Evidence showed that Mr. Antonio has been sending inappropriate e-mails for several years. For example, on 19 October 2005, Mr. Antonio sent the e-mail below:



13. The review further revealed that Mr. Antonio often utilized a distribution list for simultaneous delivery of pornographic material to United Nations Lotus Notes e-mail accounts of staff employed in New York. Analyses of five sample e-mails sent by Mr. Antonio between January and February 2008, showed that his distribution list for sending pornography consisted of about 85 e-mail addresses. Furthermore, more than 80 per cent of those addresses were linked to United Nations e-mail accounts.⁴ One of these e-mails is shown in Figure 2 below:⁵

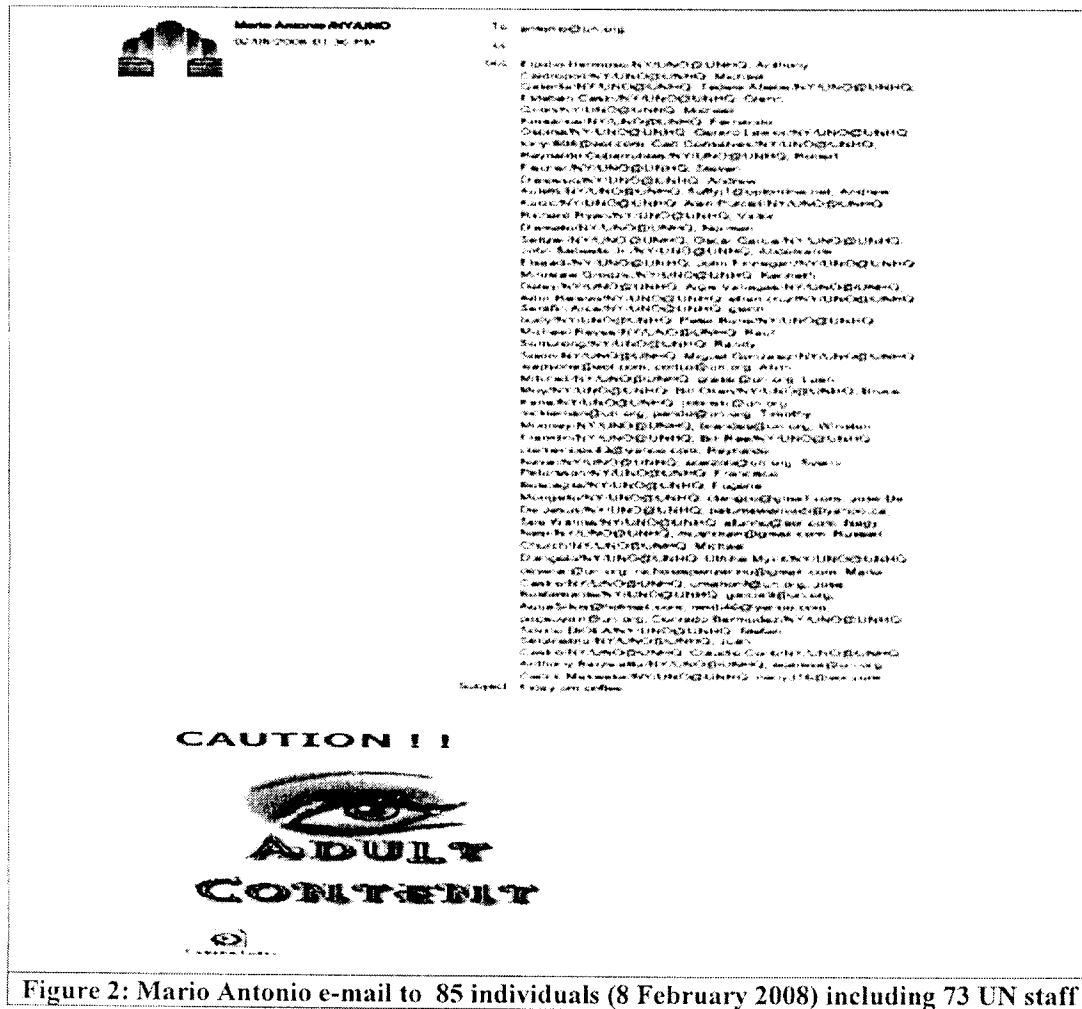


Figure 2: Mario Antonio e-mail to 85 individuals (8 February 2008) including 73 UN staff

⁴ Mario Antonio e-mail to 84 individuals (2 January 2008); Mario Antonio e-mail to 86 individuals (17 January 2008); Mario Antonio e-mail to 85 individuals (8 February 2008) describing subject as “Friday lunches”; Mario Antonio e-mail to 85 individuals (8 February 2008) describing subject as “Friday pm coffee”.

⁵ Mario Antonio e-mail to “Distribution list” consisting of 85 e-mail addresses, including 72 United Nations Lotus Notes e-mail accounts.

14. Significantly, Mr. Antonio sent two of these sample e-mails containing material—pornographic or sexual in content—on the same day, namely 8 February 2008.⁶

15. ID/OIOS also established from Mr. Antonio's "sent" box that he distributed most of the pornographic material during office hours, usually between 10 a.m. and 4 p.m.

B. STORING PORNOGRAPHY INCLUDING IMAGES OF BESTIALITY

16. Following a forensic examination of Mr. Antonio's United Nations issued computer hard drive, it was found that he had stored over 12,000 photographs and about 699 video clips depicting pornography or images with a sexual content on it. That translates to the following—of the 80 gigabytes available on Mr. Antonio's hard drive, 5,5 consisted of inappropriate material.⁷

17. Strikingly, one of the video clips depicted acts of bestiality.⁸

C. ID/OIOS INTERVIEW WITH MR. MARIO ANTONIO

18. During his interview with ID/OIOS Mr. Antonio stated that he was unaware of United Nations policies regulating the use of the Organization's ICT resources and data, including the Secretary-General's bulletin ST/SGB/2004/15.⁹

19. Mr. Antonio admitted that he had used his official computer for private use, including visiting websites showing naked women.¹⁰ He did not consider this as improper conduct, but rather as relaxation after a "thankless" workday.¹¹ Mr. Antonio described his understanding of pornography as "any extreme sexual activity", for example, sexual activity between same sex individuals, or sexual acts involving children.¹²

20. However, when asked to comment on the video clip showing acts of bestiality, Mr. Antonio stated that it was "extreme" and "more than pornography". He added that he failed to delete it as he was "never good at housekeeping".¹³ Mr. Antonio conceded that some of the images attached to the sample e-mails were pornographic in nature.¹⁴ However, in his response, Mr. Antonio clarified that before ID/OIOS advised him about

⁶ Mario Antonio e-mail to 85 individuals (8 February 2008) describing subject as "Friday lunches"; Mario Antonio e-mail to 85 individuals (8 February 2008) describing subject as "Friday pm coffee".

⁷ Preliminary Analysis and Investigative Report on Mario Antonio Submitted by Aon Consulting, Inc. dated 13 October 2008 – page 2. Aon Consulting, Inc. is a United States based company contracted by OIOS to conduct IT forensic examinations.

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⁹ Mario Antonio interview (3 October 2008) paras. 16 and 21.

¹⁰ Mario Antonio interview (3 October 2008) para. 27.

¹¹ Mario Antonio interview (3 October 2008) para. 29 and 30.

¹² Mario Antonio interview (3 October 2008) para. 28.

¹³ Mario Antonio interview (3 October 2008) para. 33.

¹⁴ Mario Antonio interview (3 October 2008) para. 34; commenting on attachments to Mario Antonio e-mail to 84 individuals (2 January 2008); Mario Antonio e-mail to 86 individuals (17 January 2008); Mario Antonio e-mail to 85 individuals (8 February 2008) describing subject as "Friday lunches"; Mario Antonio e-mail to 85 individuals (8 February 2008) describing subject as "Friday pm coffee".

the provisions of ST/SGB/2004/15, he did not consider the material as pornographic, but of a “suggestive nature”.¹⁵

21. Mr. Antonio admitted that he has repeatedly sent and received pornographic material through his United Nations Lotus Notes account, including the e-mail displayed in Figure 2. Although he could not recall how long he had been sending and receiving pornography, Mr. Antonio estimated that it may have started off as a prank a few years back.¹⁶ He explained that he had compiled a list of names for distributing pornography—some of the names were on e-mails he received and others he added on request.¹⁷

22. When given an opportunity to comment on the overall evidence regarding his storing of a large volume of pornographic material on his United Nations computer, Mr. Antonio stated that had he known that this was not allowed he would not have done it.¹⁸

23. Mr. Antonio informed ID/OIOS that none of the individuals to whom he had sent pornographic material over the United Nations Lotus Notes complained to him. Likewise, he personally did not complain to any of the staff members who sent him pornography. He concluded that if he did not like the images, he simply deleted them.¹⁹

24. Mr. Antonio acknowledged that as a United Nations staff member he is required to conduct himself in accordance with the United Nations regulation and rules. He admitted that his actions regarding the transmittal and storing of pornographic material were inconsistent with his obligations as an international civil servant and expressed remorse for doing so.²⁰

VI. FINDINGS

25. Based on the review of the available probative material and the interview with Mr. Antonio, ID/OIOS found that Mr. Antonio has repeatedly misused his United Nations computer and Lotus Notes e-mail account to obtain, store and disseminate material—pornographic or sexual in content, including bestiality.

26. ID/OIOS also found that Mr. Antonio failed to comply with his obligation to report to the appropriate United Nations authority that other staff members were similarly disseminating pornography over the United Nations Lotus Notes.

27. As reported in several United Nations Administrative Tribunal judgements, Mr. Antonio’s defense that he was unaware of the United Nations regulations, rules and other relevant issuances that govern the use of ICT assets does not provide him with an acceptable excuse for his conduct.²¹

¹⁵ See Annex B.

¹⁶ Mario Antonio interview (3 October 2008) para. 35.

¹⁷ Mario Antonio interview (3 October 2008) para. 42.

¹⁸ Mario Antonio interview (3 October 2008) paras. 45 to 47.

¹⁹ Mario Antonio interview (3 October 2008) paras. 43 and 44.

²⁰ Mario Antonio interview (3 October 2008) paras. 26 and 38; Annex B.

²¹ For example, UNAT Judgment No. 1185, Case No. 1278; “The Tribunal wishes to reiterate that ignorance of the law is no excuse, and that each staff member is bound to know the laws which are applicable to him.”

VII. CONCLUSIONS

28. ID/OIOS concluded that Mr. Antonio violated Staff Regulation 1.2 (b) by failing to uphold the highest standards of efficiency, competence and integrity by obtaining, storing and distributing material pornographic or sexual in content to United Nations staff members. Also, by failing to promptly report contraventions of the provisions of ST/SGB/2004/15, as stipulated in section 2 (b) thereof.

29. Mr. Antonio has further violated Staff Regulation 1.2 (q) by improperly utilizing his United Nations computer and Lotus Notes to store and disseminate pornography in contravention of section 4.1(a) of ST/SGB/2004/15.

VIII. RECOMMENDATIONS

30. In view of the preceding findings, the ID/OIOS makes the following recommendations:

Recommendation 1. It is recommended that the Department of Management take appropriate action against Mr. Mario Antonio. (ID Rec. No. I-0176/08/01 [C822])

ANNEX A - DRAFT INVESTIGATIVE DETAILS

ANNEX A – INVESTIGATIVE DETAILS FOR MR. MARIO ANTONIO’S COMMENTS

I. INTRODUCTION

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2. Specifically, the information suggested that Mr. Antonio distributed pornographic images to United Nations staff members, using his United Nations Lotus Notes e-mail account.
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7. Mr. Antonio joined the Organization on 18 September 1987. He holds a fixed-term appointment at the GS/10 level, as a Building Services Assistant in the Department of Management at the United Nations Headquarters in New York.

IV. METHODOLOGY

8. The ID/OIOS investigation included, but was not limited to, the collection and analysis of documents and interviews with United Nations staff members. Pursuant to the provisions of ST/SGB/2004/15, ID/OIOS also examined the United Nations issued computer hard drive and Lotus Notes e-mail account of Mr. Antonio and several other United Nations staff members based in New York.¹

9. This investigation confined itself to information related to the actions of Mr. Antonio.²

10. On 3 October 2008, ID/OIOS investigators interviewed Mr. Antonio and prepared a record of this interview. Mr. Antonio reviewed the typed record, and following minor adjustments, confirmed that it accurately reflected his responses to questions posed during the interview. However, when asked to sign the record, Mr. Antonio refused, stating that he would sign the record, subject to him receiving a copy thereof. ID/OIOS investigators explained that this decision remains with the Programme Manager.³

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² Evidence adduced by ID/OIOS revealed further possible wrongdoing by other staff members with regard to the misuse of ICT resources, which will be addressed in separate investigation reports.

³ Mario Antonio interview (3 October 2008), p. 12.

V. EVIDENCE OBTAINED THROUGH FACT-FINDING INVESTIGATION

A. OBTAINING AND DISTRIBUTING PORNOGRAPHY

11. During the review of forensic evidence obtained from Mr. Antonio's United Nations Lotus Notes e-mail account, ID/OIOS counted at least 84 occasions on which Mr. Antonio sent pornographic material to United Nations staff members. ID/OIOS compiled the chart below to demonstrate the extent of Mr. Antonio's activities:

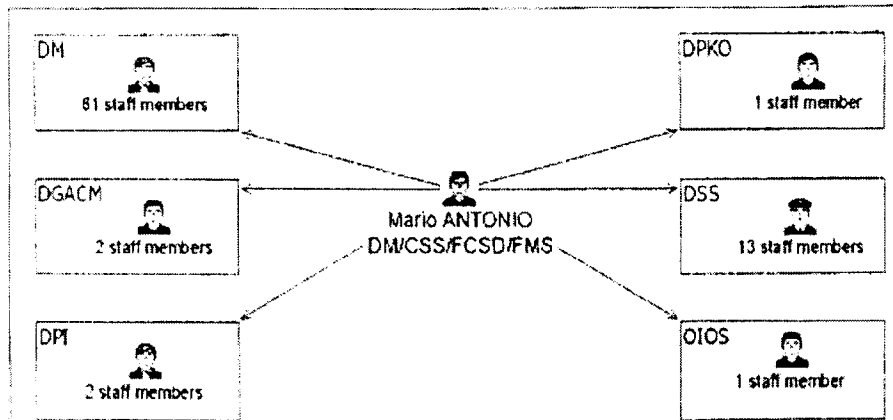


Chart 1: Mario Antonio's distribution list of pornographic material at UN Headquarters.

12. Evidence showed that Mr. Antonio have been sending e-mails with pornographic attachments for several years. For example, on 19 October 2005, Mr. Antonio sent the e-mail depicted in Figure 1 below:

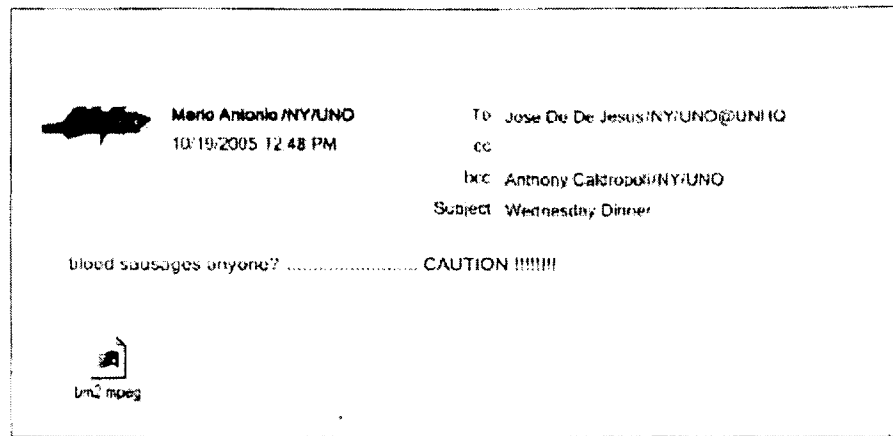


Figure 1: Mario Antonio e-mail to Jose De De Jesus (19 October 2005)

13. The review further revealed that Mr. Antonio often utilized a distribution list for simultaneous delivery of pornography to United Nations Lotus Notes e-mail accounts of staff members employed in New York. Analyses of five sample e-mails sent by Mr. Antonio between January and February 2008, showed that his distribution list for pornography consisted of about 85 e-mail addresses. Furthermore, that more than 80 per cent of those addresses were linked to United Nations e-mail accounts.⁴ One of the five e-mails is shown in Figure 2 below:⁵

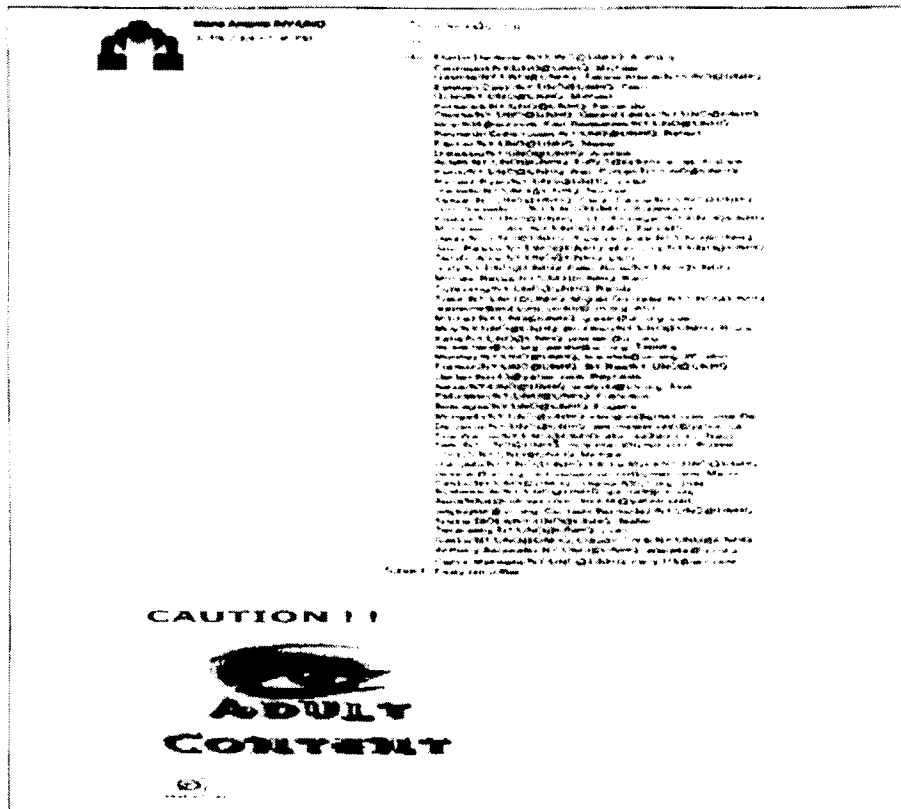


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14. Significantly, Mr. Antonio sent two of these sample e-mails containing pornographic material on the same day, namely 8 February 2008.⁶

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C. ID/OIOS INTERVIEW WITH MR. MARIO ANTONIO

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19. Mr. Antonio admitted that he had used his official computer for private use, including visiting websites showing naked women.¹⁰ He did not consider this as improper conduct, but rather as relaxation after a "thankless" workday.¹¹ Mr. Antonio described his understanding of pornography as "any extreme sexual activity", for example, sexual activity between same sex individuals, or sexual acts involving children.¹²

20. However, when asked to comment on the video clip showing acts of bestiality, Mr. Antonio stated that it was "extreme" and "more than pornography". He added that he failed to delete it as he was "never good at housekeeping".¹³ Mr. Antonio conceded that the images attached to the sample e-mails were pornographic in nature.¹⁴

21. Mr. Antonio admitted that he has repeatedly sent and received pornographic material through his United Nations Lotus Notes account, including the e-mail displayed in Figure 2. Although he could not recall how long he had been sending and receiving pornography, Mr. Antonio estimated that it may have started off as a prank a few years

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back.¹⁵ He explained that he had compiled a list of names for distributing pornography—some of the names were on e-mails he received and others he added on request.¹⁶

22. When given an opportunity to comment on the overall evidence regarding his storing of a large volume of pornographic material on his United Nations computer, Mr. Antonio stated that had he known that this was not allowed he would not have done it.¹⁷

23. Mr. Antonio informed ID/OIOS that none of the individuals to whom he had sent pornographic material over the United Nations Lotus Notes complained to him. Likewise, he personally did not complain to any of the staff members who sent him pornography. He concluded that if he did not like the images, he simply deleted them.¹⁸

24. Mr. Antonio acknowledged that as a United Nations staff member he is required to conduct himself in accordance with the United Nations regulation and rules. He admitted that his actions regarding the transmittal and storing of pornographic material were inconsistent with his obligations as an international civil servant.¹⁹

- END -

IX. ANNEX B – MR. MARIO ANTONIO’S RESPONSE

Response to: Annex A Investigative details 291008 ID/OIOS Case No. 0176-08

The following comments are being sent to further clarify statements during the course of the interview.

As clarification on Annex A (V)(C)(19), please note that part of my duties and responsibilities as “Buildings Services Assistant” is regular use of the computer to research for equipment and materials, and possible vendors and individuals, that may offer such services, products or equipments. This is one of the key activities in Plant Engineering Section (PES), to enable the section to fulfill its daily operational requirements. This process is entirely based on browsing in countless sites in the “internet” and for several hours during a normal working day. There are frequent occasions when a search can be MISDIRECTED, showing websites of “suggestive nature” or as “pop-ups” as can be the case. Of the times when the searches are misdirected, or when a pop-up window appeared, I immediately would terminate the search, and delete the “pop-up” window. However, there are times when some of these windows persist and could not be deleted. The only alternative in such instance is to turn the computer “off” for a few seconds and to turn it back “on” to be able to delete.

There are many who feel, as I may have seemed, that an “adult male” privately viewing materials of suggestive nature is a normal male behavior, that it is an individual “preference”, which is unique to each individual, but which may be considered “normal” by some or “extreme” by others.

I have maintained from the onset that the materials contained in the emails were of “suggestive nature”, and only conceded [Annex A (V)(C)(20)] when the interviewer cited “Section 4.1” of ST/SGB/2004/15.

Though the activities have occurred in the course of working hours, I was not aware [Annex A (V)(C)(18)] that my actions were not consistent with explicitly defined UN policies, such as ST/SGB/2004/15. This information only came to my knowledge when presented during the interview.

Part of the daily routine of staff members is to send and receive countless emails. When I started receiving emails containing materials of “suggestive nature”, as prank [Annex A (V)(C)(21)], my natural instinct was to reply, not fully aware of the policies on the use of ICT resources in this respect.

In addition, the report did not reflect the remorse I felt and continue to feel for my actions. I repeatedly expressed, during the course of the interview, how sorry, embarrassed and humiliated I felt for my actions.

I wish to maintain that if I had knowledge of the policies, I would NOT have engaged in such action or behavior. I always try, with the best of my abilities, to conduct myself consistent with United Nations policies. To this end, I would like to humbly apologize for my actions and hope that my ignorance is forgiven.

Mario C.M. Antonio, Bldgs. Svcs. Asst.
Plant Engineering Section/TMS